IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 733 of 2000

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

NAVNEETKUMAR PARSHOTTAMDAS PANCHAL

Versus

REGIONAL TRANSPORT OFFICER

Appearance:

1. Special Criminal Application No. 733 of 2000

MR MM TIRMIZI for Petitioner No. 1

NOTICE SERVED for Respondent No. 1-2

MS NANDINI JOSHI, A.P.P for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 20/04/2005

ORAL JUDGEMENT

Learned advocate Shri Tirmizi appearing for the petitioners has fairly submitted that he is not pressing prayers (A) and (B).

It has been submitted by learned advocate Shri Tirmizi that the petitioner is not willing to compound the case for which memos have been issued by the transport authority. He has submitted that the memos issued for the vehicle in question, being GJ-17-C-0179, is required to be sent to the concerned Magistrate by the Transport Authority.

Learned A.P.P. Ms Nandini Joshi states that if such memos are issued, the same shall be sent to the Magistrate in accordance with law. The Authority shall sent such memos to the Magistrate, if not sent so far. It is directed that the authority may not compel the petitioner to compound the offence against the wish of the petitioner. It is clarified that this order does not preclude the authority to initiate any other legal proceedings as per the Motor Vehicles Act.

In view of above, the petition is partly allowed. The petition stands disposed of as partly allowed. Rule is partly made absolute with no order as to costs.

Direct service is permitted.

(P.B. MAJMUDAR, J.)

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